IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NOS.16244 OF 1999, 19125 OF 1999, 19798 OF 2000, 26764 OF 2000, 8217 OF 2001 AND 8149 OF 2003

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WRIT PETITION NO : 16244 of 1999

Between:

1 N. Satya Narayana S/o. N. Ramaiah
R/o. Vadde Bazar, Markapuram, Prakasam District.
2 G.R.N. Reddy S/o. G. Chenchaiah
R/o. Peddaraveedu Village & Mandal Prakasam District.
3 I. Venkateshwarulu S/o. Narayana
R/o. 10/35, Markapuram.

..... PETITIONERS

AND

The Regional Manager, A.P.S.R.T.C, Ongole,
Prakasam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction, particularly one in the nature of writ of mandamus, declaring the action of the respondent in not regularizing the services of the petitioners from the date of their initial appointments as arbitrary, and illegal and issue a consequential direction, direction, directing the respondent to regularize the services of the petitioner's from the date of his initial appointment with all consequential benefits.

Counsel for the Petitioner: MR.M.RAVINDRANATH REDDY

Counsel for the Respondent No.: Mr.V.V.P.Rao

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WRIT PETITION NO : 19125 of 1999

Between:

1. J.K.S.Babu Rao, S/o Kondaiah,

R/o Markapuram, Prakasam District.

2. B.Naga Malleswara Rao, S/o Veera Chari

R/o Markapuram, Prakasam District.

3. S.Venkateswarlu, S/o Bakkaiah,

R/o Markapuram, Prakasam District.

4. V.Sreenivasulu, S/o Venkateswarlu,

R/o Markapuram, Prakasam District.

5. K.Kasaiah,S/o Velugondaiah,

R/o Markapuram, Prakasam District.

6. V.Ch.Sekhar Reddy, S/o Pichi Reddy,

R/o Markapuram, Prakasam District.

7. D.Hasan, S/o Kareem Saheb

8. B.Rayudu Naik, S/o Oman Singh Naik

9. Ch.Salman, S/o Nagaiah

10.G.Pitchaiah, S/o Papaiah

11.Md.Abdul Aziz, S/o Md.Yousuf,

R/o Podili, Prakasam District.

..... PETITIONERS

AND

The Regional Manager, A.P.S.R.T.C.,

Ongole, Prakasam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or direction, particularly one in the nature of writ of Mandamus declaring the action of the respondent in not regularizing the services of the petitioners from the date of their initial appointments as arbitrary, and illegal and for consequential direction, directing the respondent to regularize the services of the petitioners from the date of their initial appointments with all consequential benefits.

Counsel for the Petitioners:MR.M.RAVINDRANATH REDDY

Counsel for the Respondent : Mr.V.V.P.Rao

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WRIT PETITION NO : 19798 of 2000

Between:

Md.Rahim, S/o Md. Gouse,

R/o Moulali, Hyderabad.

..... PETITIONER

AND

1. The Regional Manager, APSRTC.,

Bagyanagar Region, Hyderabad.

2. The Divisional Manager, APSRTC,

Bagyanagar Region, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction, particularly one in the nature of the writ of Mandamus, declaring the action of the respondents in not regularizing the service of the petitioner from the date of his initial appointment as arbitrary and illegal and for a consequential direction directing the respondents to regularize the petitioner's services from the date of his initial appointment with all consequential benefits.

Counsel for the Petitioner: MR.M.RAVINDRANATH REDDY

Counsel for the Respondents: SC FOR APSRTC

WRIT PETITION NO : 26764 of 2000

Between:

1. Sk.Moulali, S/o Khaja Saheb,

2. D.Venkateswarlu, S/o Venkatraju

3. B.Ankaiah, S/o Chennaiah

4. Sk.Ibrahim, S/o Peda Hussain Mia

5. Y.Subba Reddy, S/o Peddi Reddy

6. B.Devadanam, S/o Guravaiah

7. Sk.Kalesha, S/o Sk.Pacha Mia

8. Sk. Nayab Rasool, S/o Raja Saheb

All are residents of Markapuram, Prakasam District.

..... PETITIONERS

AND

1. The Regional Manager, APSRTC,

Ongole, Prakasam District.

2. The Depot Manager, APSRTC,

Markapuram, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction, particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not regularizing the services of the

petitioners from the date of their initial appointment as arbitrary and illegal and consequently issue a direction, directing the respondents to regularize the services of the petitioners from the date of their initial appointments with all consequential benefits.

Counsel for the Petitioners:MR.M.RAVINDRANATH REDDY

Counsel for the Respondents: Mr.V.V.P.Rao

WRIT PETITION NO : 8217 of 2001

Between:

G.Ramana Reddy, S/o Penchala Reddy,

R/o Atmakur, Nellore District.

..... PETITIONER

AND

The Regional Manager,

APSRTC, Nellore.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction, particularly one in the nature of the writ of Mandamus, declaring the action of the respondent in not regularizing the service of the petitioner from the date of his initial appointment i.e., 05.03.1986 as arbitrary and illegal and issue a consequential direction, directing the respondent to regularize the services of the petitioner from the date of his initial appointment with all consequential benefits.

Counsel for the Petitioner: MR.M.RAVINDRANATH REDDY

Counsel for the Respondent: SC for APSRTC

AND

WRIT PETITION NO : 8149 of 2003

Between:

1. V. Mastan Rao, E500208, Conductor,

S/o Bhaskar Rao, S/o Sudavari Palem,

Chilakaluripet, Guntur District.

2. M.Madhusudhan Rao, Conductor,

R/o Koppal, Ongole Mandal,

Prakasam District.

3. G.Subbaiah, Conductor, S/o Raghavaiah,

R/o Kanigiri, Prakasam District.

All are now working as Conductors at

Kanigiri Depot.

..... PETITIONERS

AND

1. The APSRTC, rept., by its Managing Director,

Musheerabad, Hyderabad.

2. The APSRTC, rept., by its Regional Manager,

Prakasam Region, At Ongole, Prakasam District.

3. The Depot Manager, APSRTC,

Kanigiri Depot, Kanigiri, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of a writ of mandamus declaring the action of the respondents herein in not regularizing the services of petitioners 1 to 3 from the date of their initial appointment i.e. 01.11.1986, 21.5.1986 and 16.05.1986 respectively as arbitrary, unjust and violation of Articles 14,16 and 21 of the Constitution of India and consequently direct the respondents to regularize the petitioners' services from the date of their initial appointments with notional seniority along with consequential benefits and to pay the arrears of the difference of wages forthwith in the interest of justice.

Counsel for the Petitioners:MR.M.RAVINDRANATH REDDY

Counsel for the Respondents: SC for APSRTC

The Court made the following:

COMMON ORDER

All these writ petitions are filed seeking regularization of services of the respective petitioners from the date of their initial appointment and for other consequential benefits.

All the petitioners are working in Andhra Pradesh State Road Transport Corporation ('APSRTC). Some of them are Drivers and some of them are Conductors. It is submitted by the learned counsel for the petitioners that the petitioners are entitled for regularization of their respective services right from the date of their initial appointment.

With the similar relief, several writ petitions are filed and they are allowed by this Court following the judgment of earlier Division Bench of this Court, directing the respondents to regularize the services of the petitioners therein from the date of their initial appointment. Challenging the said judgment, Writ Appeals filed by the respondent (APSRTC) were also dismissed. Aggrieved by the dismissal of the same, the APSRTC carried the matter before the Supreme Court in Civil Appeal No.2455 of 1999 and Batch. The Supreme Court disposed of the same by reported Judgment in **DIVISIONAL MANAGER, APSRTC AND OTHERS v P. LAKSHMOJI RAO**. In para 18 of the said Judgment the Supreme Court observed as follows:

> "18. In view of this peculiar situation and in order to avoid the anomalies that might otherwise ensue, while we hold that the respondent-employees have failed to establish their legal right to get the status of regular employees right from the date of their initial appointment on daily wage basis and the respective dates of regularization assigned to the respondents cannot be legally faulted, we are inclined to mould the relief in modification of the directions given in the judgments under appeal and direct as follows:
>
> If any of the Conductors, junior to the respondents in the relevant seniority list of the concerned Division/Region, have got the benefit of seniority and regularization OR are entitled to get the same by virtue of the judgments that have become final, then the respondents who are seniors to them, shall be given the same benefit on the same principle."

All these writ petitions are disposed of in terms of the aforesaid Judgment of the Supreme Court. No costs.

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18th August 2004

Tsr.

To

1. The Regional Manager, A.P.S.R.T.C, Ongole,
   Prakasam District.

2. The Regional Manager, APSRTC.,

Bagyanagar Region, Hyderabad.

3. The Divisional Manager, APSRTC,

Bagyanagar Region, Hyderabad.

4. The Depot Manager, APSRTC,

Markapuram, Prakasam District.

5. The Regional Manager, APSRTC, Nellore.

6. The Managing Director, APSRTC,

Musheerabad, Hyderabad.

7. The Depot Manager, APSRTC,

Kanigiri Depot, Kanigiri, Prakasam District.

8. Two CD copies.